

## AN ORDINANCE NO. 23-21

Amending the Colonial Heights City Code in the following ways: 1) amending § 258-52 of Chapter 258, Taxation, by including a short-term rental dwelling as a hotel for purposes of the transient lodging tax and defining a “Transient” as a person who obtains lodging at a hotel for fewer than 30 consecutive days; 2) adding to § 286-202.10 of Chapter 286, Zoning, definitions for “Operator”, “Short-Term Rental”, and “Short-Term Rental Dwelling”; 3) adding “Short-term rentals, hosted and non-hosted” to § 286-300.04 of Chapter 286 as a permitted commercial use type in the RL Low Density Residential District; 4) adding to Chapter 286 a new § 286-410.70, regulating short-term rentals; and 5) adding to § 286-518.18 of Chapter 286 an off-street parking requirement for short-term rental dwellings.

### THE CITY OF COLONIAL HEIGHTS HEREBY ORDAINS:

1. Sections 258-52, 286-202.10, 286-300.04, and 286-518.18 of the Colonial Heights City Code are amended, and new Section 286-410.70 is added to Chapter 286 of the Colonial Heights City Code, as follows:

#### § 258-52. **Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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#### **HOTEL**

Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, short-term rental dwelling as defined in § 286-202.10 of this Code, or other lodging place within the City offering lodging, as defined in this section, for compensation to any transient, as hereinafter defined.

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#### **TRANSIENT**

Any person who, for a period of not more fewer than 90 30 consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel.

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#### § 286-202.10 **Commercial use types.**

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## **OPERATOR**

The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

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## **SHORT-TERM RENTAL**

The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. A dwelling used for short-term rental may be either hosted or non-hosted.

HOSTED – the owner of the short-term rental dwelling lives on the property, either in the same structure as the short-term rental tenant(s) or in another structure on the property.

NON-HOSTED – the owner or agent of the short-term rental dwelling does not live on the property being rented.

## **SHORT-TERM RENTAL DWELLING**

A dwelling that is used for short-term rental.

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### **§ 286-300.04 Permitted uses.**

The following uses are permitted by right or by special exception permit in the RL Low Density Residential District, subject to all other applicable requirements contained in this ordinance. An (S) indicates a special exception permit is required. An asterisk (\*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article IV, Use and Design Standards.

#### **(1) Agricultural use types:**

Stable, private (S)\*

(2) Residential use types:

Accessory apartments\*  
Family day care home\*  
Group home  
Home occupation\*  
Manufactured home, emergency\*  
Single-family dwelling, attached (S)\*  
Single-family dwelling, detached\*  
Temporary family health care structures\*

(3) Civic use types:

Community recreation\*  
Cultural service  
Educational facilities, college/university (S)\*  
Educational facilities, primary/secondary (S)\*  
Public parks and recreational areas  
Religious assembly\*  
Safety service\*  
Utility service, major (S)\*  
Utility service, minor

(4) Office use types:

(None)

(5) Commercial use types:

~~(None)~~ Short-term rentals, hosted and non-hosted\*

(6) Industrial use types:

(None)

(7) Miscellaneous use types:

Amateur radio tower\*

**§ 286-410.70 Short-term rentals.**

**A. Intent.** *These regulations are adopted to preserve the residential character of the City's neighborhoods; to prevent any potential negative impact by short-term rentals; and to preserve the quality and quantity of other residences for year-round residential use. No more than five percent of the total number of units within a neighborhood are allowed to operate as a short-term rental dwelling during a calendar year. For the purposes of these regulations, "neighborhood"*

shall mean each of the neighborhoods identified in the City's most recently approved Community Development Block Grant (CDBG) Consolidated Plan; and the Department of Planning and Community Development (the "Department") shall maintain a map of such neighborhoods.

**B. Permits.** Any operator desiring to offer a dwelling as a short-term rental shall obtain an annual permit by submitting the prerequisite form (the "Application") to the Department. The application fee for the annual permit shall be \$500. The applicant shall state on the application whether the short-term rental shall be hosted or non-hosted and shall provide the responsible party's contact information, including name, address, telephone number, and email address. The Department shall review the completed application within 30 days of the Department's receipt of a complete application. Application approval shall be based on the dwelling meeting certain criteria described in this section to operate as a short-term rental. If denied, the Department shall provide the applicant, in writing, with the reason or reasons for the denial. Any operator who offers his property as a short-term rental without an approved permit shall be assessed a \$500 civil penalty per violation until the operator has an approved annual permit or ceases operation of the use. The \$500 per violation penalty shall be assessed for every seven days the short-term rental operates without a valid permit and the penalty shall be paid at the time of application for a short-term rental dwelling annual permit before the application is processed.

**C. Inspection of the Property.** After the Department receives a completed application, and as part of the application review process, the dwelling shall be inspected by the Administrator, the Building Official, and the Fire Marshal, or their designees, for compliance with the applicable regulations of the Uniform Statewide Building Code, Fire Prevention Code, and this Chapter. The following criteria must be met for a dwelling to be approved as a short-term rental:

i. Smoke and carbon monoxide detectors must be installed and functioning in areas specified in applicable law.

ii. All windows or doors must operate as designed.

iii. No basement space shall be used as a sleeping area unless there are properly-functioning windows or doors that conform to applicable law.

iv. A functional fire extinguisher shall be installed and visible in any kitchen area.

v. There shall be no building code or property maintenance violations.

vi. There must be at least one off-street parking space for tenants to use per short-term rental dwelling.

**D. Permit renewals.** Each permit issued shall be valid for one calendar year upon approval, from January 1 to December 31, and must be renewed annually along with the payment of the \$500 permit fee. An application may be only for the current or upcoming calendar year and may not be submitted more than six (6) months in advance of the upcoming calendar year. Approval of a short-term rental dwelling is owner-specific; and any change of ownership shall require a new application, permit fee, and inspection. It is the owner's responsibility to submit the application to the City at least 30 days in advance of the expiration date to receive approval to renew the permit to continue operating the short-term rental. Operation of a short-term rental without a valid permit is considered a violation of this ordinance.

**E. Prohibition of rental activity.** Any operator shall be prohibited from offering a property for short-term rental upon violations on more than three occasions of applicable State or local law. Also, the Administrator shall revoke the permit of any operator who has committed multiple violations on more than three occasions of such law. Once revoked, the operator is not eligible for a new permit for a period of one year from the date of permit revocation.

**F. Conditions for operating a short-term rental dwelling.** The following conditions apply for all short-term rental dwellings operating in the City:

(1) **Transient lodging tax.** All short-term rentals are required to comply with the charging, collection, and reporting of the transient lodging tax as set forth in Article VIII of Chapter 258 of this Code.

(2) **Hosted or non-hosted.** All short-term rentals must meet the definition of either hosted or non-hosted defined in § 286-202.10.

(3) **Maximum and minimum days to rent.** A short-term rental dwelling shall not be rented for more than 180 days per calendar year, and the minimum rental period shall be one full-day per rental contract. The operator must keep complete records of the number of days the short-term rental dwelling is rented as such for the preceding year and submit such records to the Administrator upon request and upon application to renew an existing short-term rental permit. Exceeding the allowed number of days the short-term rental is rented as such and inaccurate and/or falsified reporting of the number of days a short-term rental is rented is cause for denial of any request for permit renewal for the upcoming calendar year.

(4) **Responding to emergencies.** Either the homeowner or his designated agent must be available to respond to emergencies or complaints promptly.

(5) **No renting to minors.** At least one member of every rental party must be an adult. No operators shall enter into a contract for a short-term rental dwelling with any person younger than 18 years of age.

(6) **Prohibition against multiple tenancy.** An operator is prohibited from having in effect at the same time more than one short-term rental contract per parcel for the same rental period, regardless of the number of structures on the parcel.

(7) **Maximum number of guests.** Occupancy of any short-term rental dwelling shall not exceed a number equal to twice the number of bedrooms in the dwelling up to a maximum of six guests.

(8) **Unauthorized uses.** No short-term rental shall offer, provide, or allow any commercial use or event, including but not limited to, parties, banquets, weddings, receptions, meetings, or film productions. The short-term rental dwelling shall not be used for a family day home, group home, or assisted living home.

(9) **No on-site signs.** No signs shall be posted on the site advertising the property as a short-term rental.

(10) **Posting of information inside the short-term rental dwelling.** The property owner must conspicuously post the following information inside any short-term rental dwelling prior to operating as a short-term rental:

(a) The property address;

(b) The name, physical address, telephone number(s), and email address of the property owner or his/her agent responsible for responding to emergencies and complaints;

(c) Instructions for emergency shut-off of gas, electricity, and water, including the locations of gas and water valves and circuit breakers;

(d) The identification and location of emergency exits;

(e) Recycling and solid waste collection schedules;

(f) Section 218-4 of the Colonial Heights City Code, "Loud noise prohibited"; and

(g) Instructions to dial 9-1-1 in case of an emergency.

(11) **Pets.** The property owner shall decide whether renters are allowed to bring pets; however, the number and type of pets must comply with Chapter 98 of the City Code and the total shall include the number of pets on the premises, including any owned by the operator.

**§ 286-518.18 Minimum parking required.**

Use Type	Parking Required
Commercial Use Types	***
Retail Sales	***
Shopping center	1 space per 250 square feet of gross leasable area
Other retail	1 space per 200 square feet
<u>Short-term rental dwelling</u>	<u>1 space per dwelling</u>
Studio, fine arts	Schedule B
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2. This ordinance shall be in full force and effect upon its approval on second reading.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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I certify that the above ordinance was:

Adopted on its first reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable Kenneth B. Frenier, Councilmember: \_\_\_\_\_

The Honorable Elizabeth G. Luck, Councilmember: \_\_\_\_\_

The Honorable, John E. Piotrowski, Councilmember: \_\_\_\_\_

The Honorable Dr. Laura F. Poe, Councilmember: \_\_\_\_\_

The Honorable John T. Wood, Councilmember: \_\_\_\_\_

The Honorable Robert W. Wade, Vice-Mayor: \_\_\_\_\_

The Honorable T. Gregory Kochuba, Mayor: \_\_\_\_\_

Adopted on its second reading on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

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The Honorable Dr. Laura F. Poe, Councilmember: \_\_\_\_\_

The Honorable John T. Wood, Councilmember:

\_\_\_\_\_

The Honorable Robert W. Wade, Vice-Mayor:

\_\_\_\_\_

The Honorable T. Gregory Kochuba, Mayor:

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Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney